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March 29, 2004

10/652,261

Assistant Commissioner of Patents

Washington, DC 20231

PROTEST UNDER 37 CFR 1.291(a)

Re: Video-on-demand and targeted advertising

US File **20040045028**

Filed: August 29, 2003

Sirs:

Recently I found the above referenced patent filing and believe this filing has NOT issued in the U.S. The US File # is **20040045028**

I am voicing an objection as a concerned third party and as a U.S. Citizen. The patent filing describes at great length an advertising delivery system dependent upon a database maintained (0022) (0020) at the client level (Set Top Box [STB]) in a client-server ad delivery system. (0018) The appropriate ads are selected through comparison of channel selection or keywords (0021) with the ad database. (0027) The ad databases are created at the server level and downloaded from a remote server (0027) and updated (0029) at the STB or PVR connected to users' television monitors. Selecting a channel (0029) or show on television, which is tantamount to placing a URL or keyword into a browser locator window, then makes a match with ad database (0036) data maintained at the computer STB/PVR in the remotely controlled and updated STB (0029) database and in the event a match is made by comparing content or keywords to the ad database or another voluntary user action an appropriate advertisement is displayed. (0027) This is referred to as "pull" advertising as a voluntary action on the part of a user interacts with a pre-established database and a targeted ad is displayed.

This embodiment is described in Claims 1, 5, 6, 10, 15, 19, 23 and others. Basing ad display based upon program selection comparisons, keywords, profiles or other voluntary users' actions is no different than selecting a URL in a browser or Keyword in a search engine. Whether a cable TV network or the internet or both, both are electronic communication networks. The system is described in (0018) (0019) (0020) (0022) (0025) (0027) (0029) (0034) and others.

The abstract reads in part, "Also provided is a real-time, single-user-targeted individualized advertising associated with the viewer selection that personalizes the user's iTV experience. The advertisements are targeted in real-time based on an immediate interest revealed by the user in a search request for content."

I am objecting to this patent filing, as it is neither novel nor unique. It is of particular note that while no prior art was supplied, no prior art was submitted with this filing correlating to the internet, also an electronic communication system, and only some broad references to server profiling systems. The filers are correct that a targeted system based on program selections, URLs, keywords or voluntary user actions is more accurate and excels in its ability to deliver "relevant" ads at the exact moment of interest. However, the filers did not include the following references all of which precede the Application:

1. US Patent 6,141,010 ... similar technology
2. Gator.com (recently changed to Claria.com) has been marketing such a system since 1998 or 1999
3. WO9955066 (A1) or EP1076983 (A1) ... similar technology

There may be more prior art preceding the 8/29/2003 filing. The prior art listed all precede any references contained in this Application.

I believe the Examiner should look very closely at the Claims made and judge accordingly.

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TELEPHONE CALL MANAGEMENT SOFTWARE AND INTERNET MARKETING METHOD

Bibliographic data

Patent number: CA2328913

Publication date: 1999-10-29

Inventor: ZETMEIR KARL O (US)

Applicant: ZETMEIR KARL O (US)

Classification:

International: H04M3/00

European:

Application number: CA19992226413, 19990414

Priority number(s): US19990022041, 19990417, WO199900102, 19990414

View INPADOC patent family

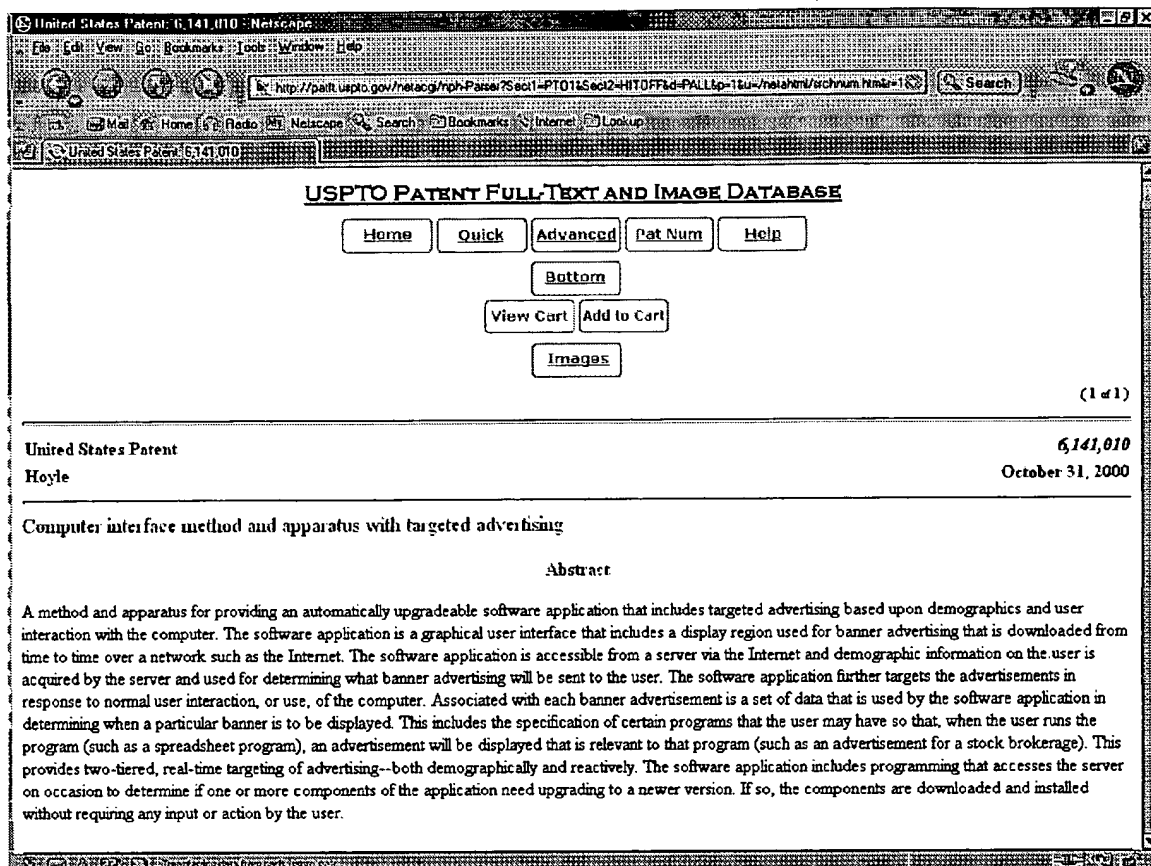
Also published as:

WO9955066 (A1)

EP1076983 (A1)

Abstract of CA2328913

A telephone call management computer program that provides both call management features and long distance savings for telephone consumers and marketing and advertising services for sponsor companies that wish to advertise to the consumer is disclosed. The call management program is initially stored on a host computer (12) and is then downloaded upon request to user computers (22) along with advertisement banners selected by the sponsor companies. When used, the program automatically front-loads a long distance carrier's PIC code in front of all long distance calls made from these user computers to permit consumers to automatically make long distance phone calls at discounted rates without memorizing numerous PIC codes and without continually shopping for the best long distance rate. The program also provides many enhanced telephone calling options and displays the banners and other advertising directly on the user computers (22) while the consumers use the program.



Claria - Corporate Overview - Overview - Netscape

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http://www.claria.com/companyinfo/

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Claria Corporate Overview Overview

CLARIA

CORPORATE OVERVIEW

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- ADVERTISE
- PRODUCTS & SERVICES
- CONTACT US

Overview

■ Claria Corporation Overview

Claria Corporation is the leader in online behavioral marketing, serving over 38 million consumers and more than 900 Advertisers – including over 80 Fortune 1000 companies. Claria publishes advertising messages for top tier companies and agencies to consumers who are part of the GAIN Network, Claria's network of over 38 million consumers who agree to receive advertising based on their actual online behavior.

Unlike traditional demographic targeting, Claria's behavioral marketing model combines powerful insights into consumer behavior and the ability to deliver contextually targeted messages. The relevancy of the messages drives click-through and conversion rates up to 40 times higher than traditional banner ads – boosting campaign results to unprecedented levels. The difference is Claria's deep insights into consumer online behavior. Claria allows advertisers to target consumers based on their individual needs and interests resulting in industry leading ROI, not mass demographically targeted Web site populations.

In addition to its advertising network, Claria provides marketing research and business insights through its Feedback Research division. Feedback Research delivers in-depth analytics of consumer Web usage patterns across the entire Internet that cannot be attained via any other research provider. It also provides full service custom marketing research to Fortune 1000 clients. With exclusive access to the GAIN Network's 38 million consumers, Feedback Research surveys hard to reach consumers, based on their individual online behavior, quickly and cost-effectively.

■ History

Claria was founded in 1998 as The Gator Corporation to deliver the promise of one-to-one marketing on the Internet. The guiding vision was to develop a massive consumer audience by offering valuable web/software content for free in exchange for the right to show highly targeted advertising based on consumers' anonymous surfing behavior. Launched in June 1999, the Gator eWallet was the company's first free ad-supported software product, and it quickly grew to become the most popular product in its category.

By November 1999, Claria had revolutionized the online advertising industry by introducing its contextual and behavioral relevant online advertising model. This new advertising method resulted in unparalleled ROI for advertisers.

Claria headquarters are located in Redwood City, California, with U.S. offices in Los Angeles, Chicago, New York, Detroit, Austin, and International offices in the U.K. and Asia. Claria is backed by top-tier venture capitalists such as Greylock, Technology Crossover Ventures, U.S. Venture Partners, Investor AB, and Crosslink Capital.